

Proposal for Consideration in
Chemical Data Reporting (CDR) Inorganic Byproducts
Negotiated Rulemaking Committee

General Description: Expansion of the current chemical extraction exemption for byproducts under 40 CFR 720.30(g)(3) to include inorganic chemicals reacted as part of chemical extraction process.

Current status:

Regulatory language:

720.30 (g): Chemicals Not Subject to Notification Requirements

(g) Any byproduct if its only commercial purpose is for use by public or private organizations that (1) burn it as a fuel, (2) dispose of it as a waste, including in a landfill or for enriching soil, or (3) extract component chemical substances from it for commercial purposes. (This exclusion only applies to the byproduct; it does not apply to the component substances extracted from the byproduct.)

Policy on regulatory interpretation:

[T]he component to be extracted must be already existing as a distinct chemical substance in the waste stream. When the chemical substance present in the byproduct and the chemical substance extracted from the byproduct are distinct chemical substances, neither the manufacture of the byproduct nor the manufacture of the extracted chemical substance qualify for the 40 CFR 720.30(g)(3) exemption. (76 Fed. Reg. 50816, 50849 (Aug. 16, 2011)).

Proposal:

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process

Ex. 5 - Deliberative Process